

ATTACHMENT II
Text of Proposed Amendments to 19 TAC

Chapter 101. Assessment

**Subchapter CC. Commissioner's Rules Concerning Implementation of the Academic
Content Areas Testing Program**

Division 2. Participation and Assessment Requirements for Graduation

**§101.3024. Assessment Requirements for Students First Enrolled in Grade 9 Prior to 2011-2012 School Year
or First Enrolled in Grade 10 or Above in 2011-2012 School Year.**

- (a) Students who were first enrolled in Grade 9 prior to the 2011-2012 school year or enrolled in Grade 10 or above in the 2011-2012 school year must fulfill testing requirements for graduation with the assessments required by the Texas Education Code (TEC), §39.023(c), as that section existed before amendment by Senate Bill (SB) 1031, 80th Texas Legislature, 2007. For purposes of this section, coursework necessary to graduate means all the coursework required under the student's graduation plan.
- (b) For a student who is receiving special education services under the TEC, Chapter 29, Subchapter A, who is enrolled above Grade 9 in the 2011-2012 school year and for whom an IEP specifies that the student shall take a modified version of an assessment, the modified assessments as required by the TEC, §39.023, as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, will continue to be the student's assessment requirement.
- (c) With the exception of students who meet the criteria described in subsection (d) of this section, students who were enrolled as follows shall fulfill testing requirements for graduation with the assessments as required by the TEC, §39.023(c), as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, with the applicable performance standards established by the commissioner of education and published on the Texas Education Agency (TEA) website:
 - (1) in Grade 9 or higher on January 1, 2001, regardless of when they are scheduled to graduate; or
 - (2) in Grade 8 or lower on January 1, 2001, if they were on an accelerated track and fulfilled all coursework necessary to graduate by September 1, 2004.
- (d) A student who entered Grade 11 in the 1989-1990 school year or an earlier school year shall fulfill testing requirements for graduation with assessments as required by the TEC, §39.023(c), as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, under an applicable performance standard established by the commissioner of education that corresponds to the performance standard in effect for the exit-level ~~[exit-level]~~ Texas Educational Assessment of Minimum Skills (TEAMS) when the student was first eligible to take the exit-level ~~[exit-level]~~ TEAMS. Performance standards that apply to TEAMS students will be published on the TEA website.
- (e) A student fulfilling testing requirements under subsection (c) of this section will be required to take only those sections of the exit-level ~~[exit-level]~~ Texas Assessment of Knowledge and Skills (TAKS) that correspond to the subject areas formerly assessed by the exit-level ~~[exit-level]~~ Texas Assessment of Academic Skills (TAAS) (reading, writing, and mathematics) for which the student has not yet met the passing standard.
 - (1) If a student has not yet met the passing standard on TAAS reading, the student will be administered only the reading multiple-choice items from the TAKS English language arts (ELA) test.
 - (2) If a student has not yet met the passing standard on TAAS writing, the student will be administered only the writing prompt and the revising and editing multiple-choice items from the TAKS ELA test.
- (f) A student fulfilling testing requirements under subsection (d) of this section will be required to take only those sections of the exit-level ~~[exit-level]~~ TAKS that correspond to the subject areas formerly assessed by

the ~~exit-level~~ ~~[exit-level]~~ TEAMS (reading and mathematics) for which the student has not yet met the passing standard. If a student has not yet met the passing standard on TAAS reading, the student will be administered only the reading multiple-choice items from the TAKS ELA test.

- (g) ~~Effective beginning with the 2017-2018 school year, a student who has taken but failed to meet assessment graduation requirements under this section may receive a Texas high school diploma if the student has qualified to graduate by means of an individual graduation committee convened in accordance with the TEC, §28.02541.~~
- (1) ~~A student may not graduate under an individual graduation committee if the student did not take each assessment instrument or the part of the assessment instrument for which the student has not performed satisfactorily at least three times.~~
- (2) ~~This subsection expires September 1, 2019.~~
- (h) ~~(g)~~ Notwithstanding any of the requirements in subsections (a)-(g) ~~(a)-(f)~~ of this section, students who pass all of the required ~~exit-level~~ ~~[exit-level]~~ TAKS tests or meet the alternate assessment requirements of Chapter 101, Subchapter DD, of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) have fulfilled their testing requirements for graduation.
- (i) ~~(h)~~ Beginning with the 2011-2012 school year, students first enrolled in Grade 9 or lower must fulfill testing requirements for graduation with the end-of-course assessment instruments, as specified in the TEC, §39.023(c), as amended by SB 1031, 80th Texas Legislature, 2007.

Subchapter DD. Commissioner's Rules Concerning Substitute Assessments for Graduation

§101.4003. Texas Assessment of Knowledge and Skills Exit-Level ~~Alternate~~ ~~[Alternative]~~ Assessments.

- (a) In accordance with the Texas Education Code (TEC), Chapter 39, Subchapter B, the commissioner of education adopts certain assessments as provided in the figure in this subsection as alternate assessments that a person may use in place of corresponding [the SAT® verbal/critical reading and mathematics tests and the ACT® English and mathematics tests as alternative exit level assessments that eligible students with qualifying scores may substitute respectively for the] Texas Assessment of Knowledge and Skills (TAKS) exit-level assessments [in English language arts and mathematics] beginning in the fall ~~[spring]~~ of 2017 ~~[2006]~~ .
- Figure: 19 TAC §101.4003(a)
- ~~(b) The commissioner establishes the level of performance considered to be satisfactory on the approved alternate exit level assessments as follows:~~
- ~~(1) The required passing standard to qualify to substitute the SAT® verbal/critical reading test for the TAKS exit level English language arts assessment is at least 472.~~
- ~~(2) The required passing standard to qualify to substitute the SAT® mathematics test for the TAKS exit level mathematics assessment is at least 461.~~
- ~~(3) The required passing standard to qualify to substitute the ACT® English test for the TAKS exit level English language arts assessment is at least 17.7.~~
- ~~(4) The required passing standard to qualify to substitute the ACT® mathematics test for the TAKS exit level mathematics assessment is at least 19.5.~~
- (b) ~~(e)~~ An eligible person ~~[student]~~ who has met the passing standard on a state-approved alternate ~~[alternative]~~ exit-level assessment as set by the commissioner and provided in the figure in subsection (a) ~~(b)~~ of this section in a particular subject area has satisfied the exit-level testing requirement in that subject area.
- (c) ~~(d)~~ A person ~~[student]~~ is eligible to substitute an alternate ~~[alternative]~~ exit-level assessment for a TAKS exit-level assessment for purposes of this subchapter if the person was first enrolled in Grade 9 prior to the

2011-2012 school year or first enrolled in Grade 10 or above in the 2011-2012 school year. [student after January 1 of the year in which the student would otherwise be eligible to graduate:]

[(1) — enrolls in a public school in Texas for the first time; or]

[(2) — enrolls in a public school in Texas after an absence of at least four years from any public school in this state. A student meets this requirement if he or she has not been enrolled for one or more days in a public school in Texas in the four years preceding the day on which the student enrolls in a Texas public school after January 1 of the year in which the student would otherwise be eligible to graduate.]